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8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA

10 MLK MARLTON, LLC, ) Case No. CV 15-9519-JAK (PJWx)  
11 )  
12 Plaintiff, ) ORDER REMANDING IMPROPERLY REMOVED  
13 v. ) ACTION TO LOS ANGELES COUNTY  
14 ARTHUR DOYLE, ET AL., ) SUPERIOR COURT  
15 Defendants. ) **JS-6**  
16 )  
\_\_\_\_\_ )

17 Before the Court is an unlawful detainer action that Defendant  
18 Arthur Doyle removed from the Los Angeles Superior Court. For the  
19 following reasons, the application is granted and the case is remanded  
20 to the Superior Court.

21 In September 2015, Plaintiff filed an unlawful detainer action in  
22 the Los Angeles Superior Court at its Santa Monica Courthouse,  
23 claiming that Defendant's fixed-term lease had expired. On December  
24 9, 2015, Defendant removed the action to this Court, arguing that  
25 there was federal question jurisdiction because the action turns on  
26 questions of federal law.

27 In general, federal district courts lack subject matter  
28 jurisdiction over unlawful detainer actions like this one because they

1 are grounded in state, not federal law. This does not change simply  
2 because a defendant raises a federal question as an affirmative  
3 defense or counterclaim. See *Vaden v. Discover Bank*, 556 U.S. 49, 60  
4 (2009) ("Federal jurisdiction cannot be predicated on an actual or  
5 anticipated defense . . . [or] rest upon an actual or anticipated  
6 counterclaim."). Further, it is clear from the face of the Complaint  
7 that there is no diversity jurisdiction under 28 U.S.C. § 1332  
8 because, even if Defendant could establish diversity, the amount in  
9 controversy is less than \$10,000. As a result, Defendant's removal of  
10 the action was improper and the case is remanded to the Superior Court  
11 for further proceedings. See 28 U.S.C. § 1441(a); see also *Gaus v.*  
12 *Miles, Inc.*, 980 F.2d 564, 567 (9th Cir. 1992).

13 Plaintiff's request for attorney's fees in the amount of \$1,600  
14 is granted in part. See 28 U.S.C. § 1447(c) ("An order remanding the  
15 case may require payment of just costs and actual expenses, including  
16 attorney's fees, incurred as a result of the removal."). The amount of  
17 fees requested is reduced to \$500 to reflect what is deemed a  
18 reasonable amount of fees necessary to respond to what is a meritless  
19 removal. Defendant is ordered to pay the fees no later than January  
20 29, 2016.

21 Accordingly, IT IS ORDERED that (1) pursuant to 28 U.S.C.  
22 § 1447(c), this case is REMANDED to the Los Angeles Superior Court, at  
23 its Santa Monica Courthouse, which is located at 1725 Main Street,  
24 Santa Monica, CA; (2) the clerk shall send a  
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1 certified copy of this Order to the Superior Court; (3) the clerk  
2 shall serve copies of the Order on the parties; and (4) no later than  
3 January 29, 2016, Defendant shall pay to Plaintiff \$500 as  
4 reimbursement for costs and attorney's fees. This Court retains  
5 jurisdiction to enforce the order awarding attorney's fees.

6 IT IS SO ORDERED.

7 DATED: January 7, 2016

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9 \_\_\_\_\_  
10 JOHN A. KRONSTADT  
11 UNITED STATES DISTRICT JUDGE

12 Presented by:

13 \_\_\_\_\_/s/\_\_\_\_\_  
14 PATRICK J. WALSH  
15 UNITED STATES MAGISTRATE JUDGE  
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